



Food and  
Nutrition  
Service

September 29, 2020

Braddock  
Metro  
Center

Amanda Cullen  
Director, Community Nutrition Programs  
Wisconsin Department of Public Instruction  
125 S. Webster St.  
Madison, Wisconsin 53707

1320  
Braddock  
Place  
Alexandria  
VA 22314

Dear Ms. Cullen:

This letter is in response to the Wisconsin Department of Public Instruction (WI DPI) waiver request, received July 7, 2020. WI DPI requested to modify the administrative review selection criteria by waiving the requirement that the State agency annually review a number of sponsors whose program reimbursements, in the aggregate, account for at least one-half of the total Program reimbursements in the State in the previous year. Specifically, WI DPI requested to waive the regulatory requirement found at 7 CFR 225.7(d)(2)(ii)(B); and to ensure Program integrity, implement reviews of large sponsoring organizations no less than every 2 years. WI DPI will continue to review new sponsors and existing sponsors no less than every 3 years and will continue to review sponsors with compliance issues found the prior year who are need further follow-up or have been found seriously deficient. Pursuant to section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) (42 USC 1760(l)), FNS approves WI DPI's waiver request.

In its request, WI DPI indicated that in response to the COVID-19 outbreak, Wisconsin issued orders to close schools. To ensure children who would normally receive school meals continued to have access to nutritious meals, WI DPI utilized a combination of statewide and nationwide waivers to allow SFSP programs to provide meal pick up and/or delivery. For summer 2020, numerous sponsors that would have typically operated during the summer decide to stop operating as of June 30th due to COVID-19. WI DPI will need to add sponsors not currently scheduled for reviews in 2020 to meet the required 50% aggregate threshold. Given the unconventional way WI DPI is monitoring, there would be an increased burden on sponsors to submit documentation for review. Additionally, with the shortened review period, it will be difficult for WDPI staff to conduct more reviews. The WI DPI does not anticipate that the establishment of this statewide waiver will pose any challenges at the State or sponsor level.

Based on the exceptional circumstances relating to the declaration of a public health emergency due to COVID-19 by the U.S. Department of Health and Human Services, effective January 27, 2020, FNS approves WI DPI's waiver request, effective through September 30, 2020. During the coronavirus outbreak, state agencies face higher administrative burdens and safety concerns while handling a dramatic increase of sponsor SFSP sponsors, which puts individuals at greater risk as it monitors the program.

Ms. Rosie Krueger

Page 2

While FNS is waiving 7 CFR 225.7(d)(2)(ii)(B), CNP must still comply with 7 CFR 225.7(d)(2)(ii)(A) and (C) through (E).

The waiver authority at section 12(l) of the NSLA requires FNS to review the performance of any State or eligible service provider that was granted a waiver. Therefore, by December 31, 2020, WI DPI must provide to the FNS Midwest Regional Office a written report quantifying the impact of the waiver, as described below. The report must include the following:

- A description of how the waiver impacted meal service operations, children's access to nutritious meals, and participation in SFSP;
- A description of how the waiver impacted the quantity of paperwork necessary to administer the program;
- The total number of SFSP institutions and facilities affected by this waiver;
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates WI DPI's commitment to work with sponsors to maintain program integrity during a challenging time. If you have questions, please contact the FNS Midwest Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes  
Director  
Program Monitoring and Operational Support Division

Electronic Copy: Christine Vineyard, MWRO